

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19 CV 124**

**WOLFE F.A. LLC, M14 PARTS AND
ARMORY, LLC, and WOLFE
PRECISION MANUFACTURING, LLC,**

Plaintiffs,

v.

**BULA DEFENSE SYSTEMS, INC.
LLC, d/b/a Bula, Inc., Bula Defense Systems,
and Bula Defense Systems, Inc.; BDSI, INC.,
d/b/a Bula, Inc., Bula Defense Systems, and
Bula Defense Systems, Inc.; BULA
DEFENSE SYSTEMS, INC.; BULA
FORGE & MACHINE, INC., d/b/a
Bula, Inc., Bula Defense Systems, and
Bula Defense Systems, Inc.; and N. JEFF
MILLER, d/b/a BDS, INC. and d/b/a Bula
Defense Systems,**

Defendants.

ORDER

This matter is before the Court *sua sponte*.

Defendants removed this action from state court on April 12, 2019, asserting, in part, that complete diversity exists between all parties. (Doc. 1). Specifically, Defendants allege that Plaintiffs Wolfe F.A. LLC, M14 Parts and Armory, LLC and Wolfe Precision Manufacturing, LLC, are North Carolina limited liability companies with their principal places of business located in North Carolina. (Doc. 1) at 1-2.

Defendants also assert that “Bula Defense Systems, Inc. LLC, BDSI, Inc., and Bula Forge & Machine, Inc. are Ohio limited liability companies” with their principal places of

business located in Ohio, and that Defendant N. Jeff Miller is a resident of Ohio. Id. at 2.

Courts have an affirmative duty to examine issues relating to subject matter jurisdiction. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215, 219 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S. Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”).

“For purposes of diversity jurisdiction, the citizenship of a limited liability company ... is determined by the citizenship of all of its members”. Cent. W. Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011).

Here, the record does not reveal the identity or citizenship of the constituent members of Plaintiffs Wolfe F.A. LLC, M14 Parts and Armory, LLC and Wolfe Precision Manufacturing, LLC or of Defendant “Bula Defense Systems, Inc. LLC”. In addition, the basis of Defendants’ statement that BDSI, Inc., and Bula Forge & Machine, Inc. are “limited liability companies” is unclear.

IT IS THEREFORE ORDERED THAT on or before **May 8, 2019**, Defendants shall file a response that:

1. Identifies each party to this matter that Defendants contend is a limited liability company; and

2. Discloses the citizenship of all constituent members of each such limited liability company.

Signed: April 23, 2019

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

